

XIV. THE FCC MUST REQUIRE CURRENT USERS OF THE 1610-1626.5 MHZ BAND TO CEASE TRANSMISSIONS UPON THE INITIAL LAUNCH OF THE BIG LEO MSS SYSTEMS.

The Commission, within the past year, has permitted two entities to use the 1610-1626.5 MHz band.⁶⁶ In Newcomb, the Commission specified that the authorization "will terminate on the date on which a regularly licensed MSS/RDSS provider in the 1610-1626.5 MHz band launches the first satellite in its system."

LQP believes that this approach should be applied to any system proposing temporary use of the MSS/RDSS bands. The current proceeding to develop licensing, technical and service rules for these frequencies has been underway for more than three years, involves applicants which, unlike Newcomb and Mobile Datacom, met the Commission's cut-off date for the filing of applications to use the bands, and which have invested substantially in participation in this proceeding and the development of their systems. The Commission must assure that temporary users of the band are on notice that they must cease operations immediately upon launch of the first satellite by a licensed MSS/RDSS operator. The Commission should deflect any suggestion by Newcomb or Mobile Datacom, either now or in the future, that they should be permitted to continue operations until MSS LEO systems are in service, or that they should be

⁶⁶ See Order and Authorization, Newcomb Communications, Inc., File No. 2161-DSE-P/L-92, Call Sign E920586, DA 93-574, released May 24, 1993, and Special Temporary Authority granted to Mobile Datacom, August 19, 1993, renewed by Letter, March 8, 1994.

given the opportunity to demonstrate that they do not cause harmful interference to duly licensed systems. To permit these approaches would impair effectiveness of the Commission's cut-off rules and degrade the ability of licensed systems to provide service.

XV. CONCLUSION

The Commission has recognized that LEO MSS systems "represent an opportunity for the United States to continue its leadership role in promoting global development through enhanced communications infrastructures and services." NPRM, ¶ 4. LQP stands ready, willing and able now to implement its system and is eager to assist the U.S. in maintaining that leadership role. LQP, therefore, urges the Commission to adopt final rules (with the modifications suggested in these comments) expeditiously so that the United States can retain its pre-eminent position in the MSS satellite industry, and United States citizens can enjoy the benefits of low-earth orbiting satellite technology.

Respectfully submitted,

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May 5, 1994

CERTIFICATE OF SERVICE

I, William D. Wallace, hereby certify that I have on this 5th day of May, 1994, caused copies of the foregoing Comments of Loral/QUALCOMM Partnership, L.P., to be served via hand delivery (indicated with *) or by U.S. mail, postage-prepaid, to the following:

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